IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3479 OF 2003
IN
INCOME TAX APPEAL (L) NO.1150 OF 2003

The Commisioner of Income Tax ..Applicant

Vs.

M/s.Grasim Industries Ltd. ..Respondent

Mr.A.D.Kango for the Applicant.
Mr.J.D.Mistry with Ms.R.V.Thakkar i/b.Dave Girish & Co. for the Respondent.

CORAM :- DR.S.RADHAKRISHNAN & V.C.DAGA, JJ.

DATE : 10TH APRIL, 2007

P.C.

1. Heard the learned Counsel for the parties. By this Notice of Motion the Applicant is seeking condonation of delay in filing the above Appeal. Perused the Notice of Motion and the affidavit-in-support thereof as well as the additional affidavit explaining the delay. For the reasons stated therein sufficient cause is made out for condoning the delay in filing the above Appeal. There is no case of inaction, negligence or want of bonafide on the part of the Applicant. Hence, the Notice of Motion is made absolute in terms of prayer clause (a).

2. The learned Counsel for the Applicant undertakes to serve a copy of the memo of Appeal on the learned Advocate for the Respondent within a

period of four weeks from today. After serving the memo of Appeal on the learned Advocate for the Respondent, an acknowledge to that effect shall be filed in the office. In the event, the copy of memo of Appeal is not served within a period of four weeks from today, this order shall stand vacated automatically and the Appeal will also stand dismissed without further reference to this Court.

(V.C.DAGA,J.) **(DR.S.RADHAKRISHNAN,J.)**